

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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United States of America,

vs.

Steve Anthony Shand,

Defendant.

AMENDED

ARRAIGNMENT NOTICE AND
SCHEDULING ORDER FOR
DURING PERIOD OF COVID-19
RELATED GENERAL ORDERS¹

Criminal No. 22-cr-40 (JRT/LIB)

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On March 14, 2022, the Defendant filed a Motion for Continuance of Motion Filing Date and Motion Hearing [Docket No. 16], as well as, a Statement of Facts in Support of Exclusion of Time Under the Speedy Trial Act [Docket No. 17]. Discovery is ongoing and has not been fully provided as of the date of this writing, and the parties expect additional discovery will be provided as soon as practicable. The Defendant requests a sixty (60) day continuance review discovery, analyze his matter, and discuss options for resolving his case.

Accordingly, **PLEASE TAKE NOTICE** that the Arraignment of the above-named Defendant is set for **Wednesday, June 8, 2022, at 10:00 a.m.** in Courtroom 3 of the Gerald W. Heaney Federal Building, 515 West First Street, Duluth, Minnesota.

Pursuant to Local Rule 12.1 (copy attached), IT IS HEREBY ORDERED that:

1. The Defendant's Motion for Continuance of Motion Filing Date and Motion Hearing [Docket No. 16] is **GRANTED**.

2. The Court finds that such continuance best serves the ends of justice and that such ends outweigh the interests of the public and the defendant in a speedy trial in this matter under

¹ <https://www.mnd.uscourts.gov/coronavirus-covid-19-guidance>; "Coronavirus (COVID-19) Guidance"

18 U.S.C. § 3161(h) (7)(A). Having made these findings, the Court excludes the time from March 15, 2022, to May 16, 2022, from speedy trial considerations in this proceeding.

3. All Motions in the above-entitled case must be filed and served through CM/ECF consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **May 16, 2022**¹. D. Minn. LR 12.1(c). No courtesy copies of motions and responses need be delivered to the chambers of Magistrate Judge Leo I. Brisbois at the present time.

4. **Counsel must electronically file a letter on or before May 16, 2022, if no Motions will be filed and there is no need for Hearing.**

5. All Responses to Motions must be filed by **May 30, 2022**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to call Witnesses² must be filed by **May 30, 2022**. D. Minn. LR. 12.1(c)(3)A).

7. Any Responsive Notice of Intent to Call Witnesses³ must be filed by **June 2, 2022**.

8. A Motions Hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The Government makes timely disclosures and Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or

¹“Before filing a motion under Fed. R. Crim. P. 12(b), the moving party must confer with the responding party. The parties must attempt in good faith to clarify and narrow the issues in dispute.” D. Minn. LR 12.1(b).

²“When a party intends to call witnesses at a hearing on a motion under Fed. R. Crim. P. 12(b), the party must file a notice within 35 days after the arraignment. The notice must identify the number of witnesses whom the party intends to call, the motion or motions that each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(A).

³“If after reviewing a notice under LR 12(c)3), a party intends to call witnesses at the same hearing, that party must file a responsive notice within 38 days after the arraignment. The responsive party must identify the number of witnesses whom the party intends to call, the motion or motions each witness will be addressing, and the estimated duration of each witness’s testimony.” D. Minn. LR 12.1(c)(3)(B).

- b. Oral argument is requested by either party in its Motion, objection or response pleadings.

9. If required, the Motions Hearing will be conducted before United States Magistrate Judge Leo I. Brisbois on **Wednesday, June 8, 2022, at 10:00 a.m.**, in Courtroom No. 3, Gerald W. Heaney Federal Building and U.S. Courthouse and Customhouse, 515 West First St., Duluth, Minnesota. D. Minn. LR 12.1(d).

10. **TRIAL:**

a. **IF NO PRETRIAL MOTIONS ARE FILED BY DEFENDANT, the following Trial and Trial-related dates are:**

That Voir Dire, Jury Instructions and Motions-in-Limine shall be filed with Chief District Judge John R. Tunheim's Chambers on or before **a date to be determined**.

Trial will commence on **a date to be determined at 9:00 a.m., before Chief District Judge John R. Tunheim, in Courtroom 2, Edward J. Devitt Federal Building and U.S. Courthouse, 118 South Mill Street, Fergus Falls, Minnesota.**

b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on Pretrial Motions. Counsel must contact the Courtroom Deputy for Chief District Judge John R. Tunheim to confirm the new trial date.**

BY THE COURT:

DATED: March 15, 2022

s/Leo I. Brisbois
Leo I. Brisbois
U.S. MAGISTRATE JUDGE